

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ALEXANDRA GERENA and	:	07 Civ. 3976 (LBS/GWG)
CONSTANCE GERENA,	:	
	:	<u>DECLARATION OF KENNISHA</u>
	:	<u>AUSTIN IN SUPPORT OF</u>
	:	<u>MOTION TO DISMISS</u>
	:	<u>PURSUANT TO FED R. CIV. P. 12</u>
	:	
Plaintiffs,	:	ECF
	:	
-against-	:	
	:	
GREGORY KORB and	:	
YALE UNIVERSITY,	:	
	:	
Defendants.	:	

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KENNISHA A. AUSTIN, hereby declares under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct:

1. I am an associate at Emery Celli Brinckerhoff & Abady LLP, counsel to Defendant Gregory Korb in this case.
2. Attached hereto as Exhibit 1 is a true and correct copy of Defendant Gregory Korb's Consent to Removal.
3. Attached hereto as Exhibit 2 is a true and correct copy of a letter submitted to the Honorable Leonard B. Sand by counsel to Defendant Gregory Korb, dated September 4, 2007.
4. Attached hereto as Exhibit 3 is a true and correct copy of Defendant Gregory Korb's Declaration In Support of Motion to Dismiss and In Partial Opposition to Motion to Transfer, dated December 3, 2007.

Dated: December 3, 2007
New York, New York

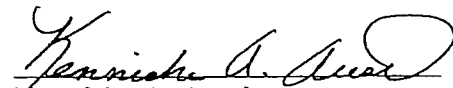

Kennisha A. Austin

EXHIBIT 1

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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ALEXANDRA GERENA and
CONSTANCE GERENA,

Plaintiffs,

- against -

GREGORY KORB and
YALE UNIVERSITY,

Defendants.
-----X

ECF CASE

07 Civ. 3976 (LBS/GWG)

CONSENT TO REMOVAL

I, Gregory Korb, consent to Yale University's request to remove this matter from Bronx County Supreme Court to the United States District Court in the Southern District of New York. I do not waive any rights in this matter including the right to contest personal jurisdiction in this matter or issues relating to service of process.

By:


Gregory Korb

EXHIBIT 2

RICHARD D. EMERY
ANDREW G. CELLI, JR.
MATTHEW D. BRINCKERHOFF
JONATHAN S. ABADY
ILANN M. MAAZEL
ERIC HECKER
MARIANN MEIER WANG
SARAH NETBURN
KATHERINE ROSENFELD
O. ANDREW F. WILSON
ELIZABETH S. SAYLOR
KENNISHA A. AUSTIN

EMERY CELLI BRINCKERHOFF & ABADY LLP

ATTORNEYS AT LAW
75 ROCKEFELLER PLAZA
NEW YORK, NEW YORK 10019

TELEPHONE
(212) 763-5000
TELECOPIER
(212) 763-5001
WEB ADDRESS
www.ecbalaw.com

September 4, 2007

By Hand

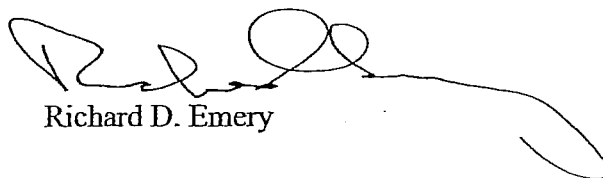
The Honorable Leonard B. Sand
United States District Judge
United States Courthouse
500 Pearl Street, Room 1650
New York, NY 10007-1312

Re: Gerena v. Korb, et. al., 07 Civ. 3976 (LBS) (GWG)

Your Honor:

This firm represents defendant Gregory Korb in the above-referenced matter and we write pursuant to Your Honor's order at the July 16, 2007 court conference, directing the parties to provide a status letter updating the Court on service of process and any potential motions in this case. We respectfully submit this letter in accordance with Your Honor's request, but its submission should in no way be construed as an appearance in this case or waiver of Mr. Korb's rights regarding service of process. Presently, Mr. Korb has not been served with process in this case. Moreover, it is our position that there is no jurisdiction over Mr. Korb in New York. Accordingly, we intend to move to dismiss this case for lack of personal jurisdiction.

Respectfully Submitted,



Richard D. Emery

c: Honorable Gabriel W. Gorenstein
U.S. Magistrate Judge

David Rabin, Esq. (*by facsimile*)
Attorney for Plaintiff

R. Scott Greathead (*by facsimile*)
Attorney for defendant Yale

EXHIBIT 3

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALEXANDRA GERENA and
CONSTANCE GERENA,

07 Civ. 3976 (LBS/GWG)

DECLARATION OF GREGORY KORB IN SUPPORT OF MOTION TO DISMISS AND IN PARTIAL OPPOSITION TO MOTION TO TRANSFER

Plaintiffs,

ECF

-against-

GREGORY KORB and
YALE UNIVERSITY,

Defendants.

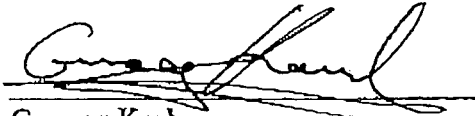
GREGORY KORB, hereby declares under penalty of perjury that the following is
 et:

1. I am over eighteen years old and understand the meaning and obligation of an oath.
2. I am a named party in the above-captioned action.
3. I have never been served with process in the above-captioned action.
4. I submit this declaration in support of my Motion to Dismiss the above-captioned action and in partial opposition to Yale University Motion to Transfer.
5. I am a resident and domiciliary of the State of New Jersey.
6. I have never been a resident of the State of New York.
7. My only employment position in New York occurred in 2006, well after

the events alleged in the complaint, when I worked in New York City for approximately nine months. I received a small stipend as compensation for my work and I commuted daily to this position from my New Jersey residence.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: December 3, 2007
South Orange, New Jersey



Gregory Korb